

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
June 16, 2008 Session

STEVEN TODD WALLS v. TARA L. WALLS

Appeal from the Circuit Court for Hamilton County
No. 06-D-307 W. Neil Thomas, III, Judge

No. E2007-02156-COA-R3-CV - FILED SEPTEMBER 29, 2008

This is a divorce case. The only issue before the court is whether the trial court made the proper calculation of the parties' respective periods of parenting time under the Child Support Guidelines in determining the child support obligation of Tara L. Walls ("Wife") to Steven Todd Walls ("Husband") for the benefit of the parties' three minor children. Husband appeals. We affirm pursuant to the provisions of Court of Appeals Rule 10.¹

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court
Affirmed; Case Remanded

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which D. MICHAEL SWINEY and SHARON G. LEE, JJ., joined.

Grace E. Daniell, Chattanooga, Tennessee, for the appellant, Steven Todd Walls

Daniel K. Habenicht, Chattanooga, Tennessee, for the appellee, Tara L. Walls

MEMORANDUM OPINION

¹ Rule 10 of the Rules of the Court of Appeals provides as follows:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Husband challenges the trial court's determination that Wife has parenting time with the parties' children 155 days annually. He argues that Wife should only be credited with 106 days of annual parenting time.

The trial court, in determining Wife's annual parenting time, obviously adopted the approach of this court in the case of *Eaves v. Eaves*, E2006-02185-COA-R3-CV, 2007 WL 4224715 (Tenn. Ct. App. E.S., filed November 30, 2007). Husband does not attempt to argue that the trial court misconstrued or misapplied the holding in *Eaves*; rather, he contends that *Eaves* was incorrectly decided. He encourages us to abandon the *Eaves*' approach and adopt a different interpretation of the Child Support Guidelines, particularly as related to the provisions of Tenn. Comp. R. & Regs., ch. 1240-2-4-.02(10) (2006). This we decline to do. We reaffirm our holding in *Eaves*. Accordingly, we hold that the trial court in the present case correctly calculated Wife's child support obligation based upon her 155 days of parenting time. We deny Husband's claim for attorney's fees on appeal. Furthermore, we reject Wife's claim that Husband's appeal is frivolous; hence, we deny her request for the damages authorized by Tenn. Code Ann. § 27-1-122 (2000).

The judgment of the trial court is affirmed. Costs on appeal are taxed to the appellant, Steven Todd Walls. This case is remanded to the trial court for enforcement of its judgment and for collection of costs assessed below, all pursuant to applicable law.

CHARLES D. SUSANO, JR., JUDGE